

ZB# 94-8

Filomena & Ian Sousa

73-4-7

Prelim.

Apr. 25, 1994

Copy of Record.

Photos ✓ paid

Fees: ① 50.00 ✓ paid
② 222.00 ✓ paid

Tax Map ✓

~~Attended~~ 6/13/94

Public Hearing:

June 23, 1994

Area Variance

Approved.

#94-8 - Sousa, Filomena

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

14077
June 7 1994

Received of Jan & Filomena Sousa \$ 50.00

fifty 00/100 DOLLARS

For ZBA. # 94-8

DISTRIBUTION:

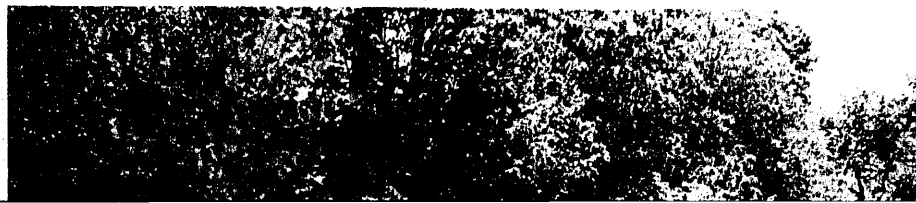
FUND	CODE	AMOUNT
Ch # 5675		50.00

By Dorothy H. Hansen
sh

Town Clerk

Title

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205 48, #9, 50 - Exeter
Bldg. Building Corp.
interior - 1, 2, 3, 4

Ch# 5675		50. ⁰⁰

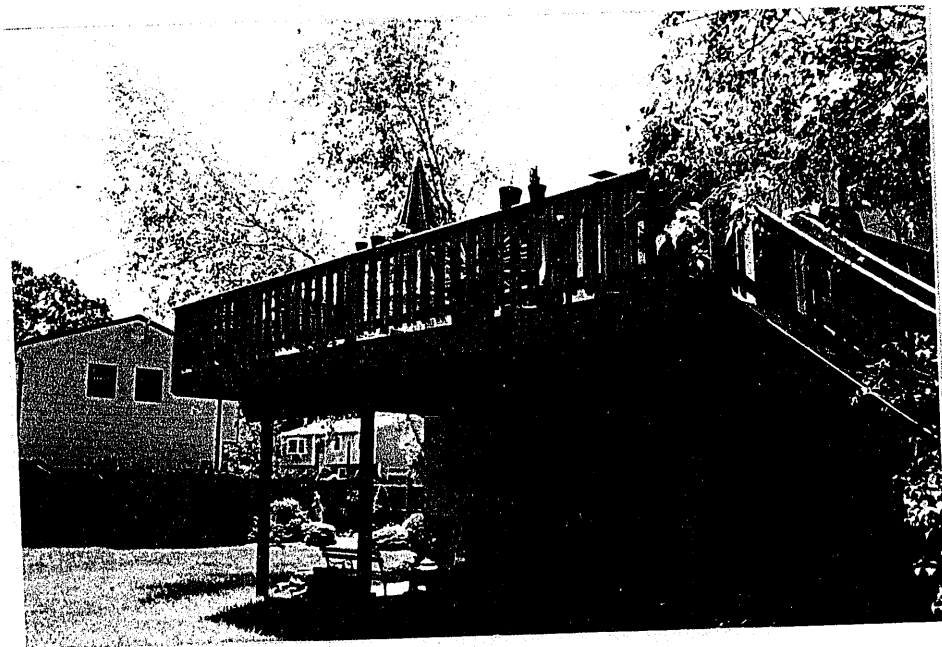
© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Dorothy H. Hansen
sh

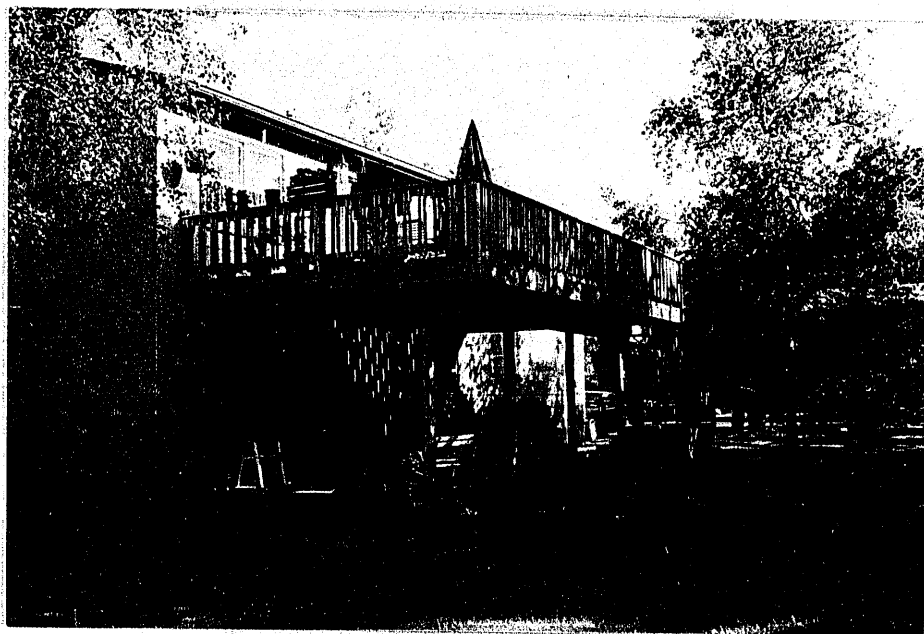
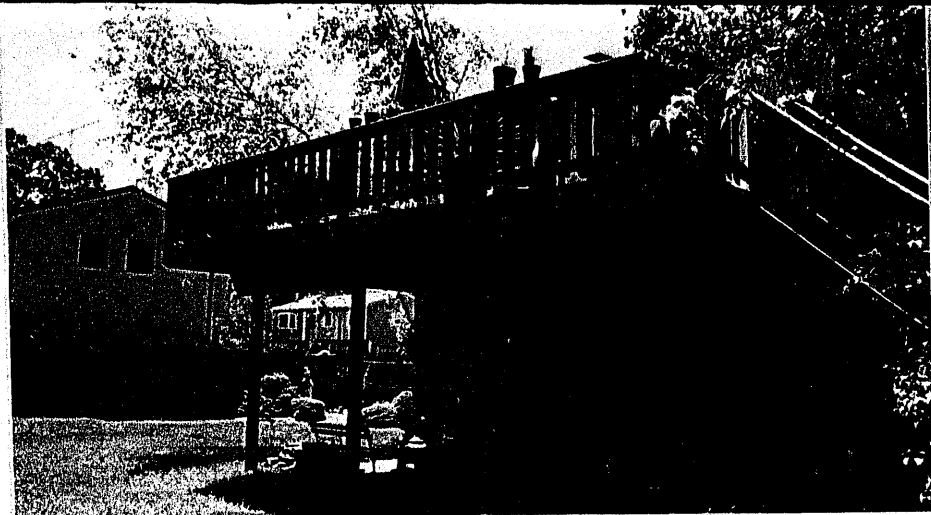
Town Clerk
Title

CO'S 48, #9, 50 - EXTENDED
Bldg. Building Corp.
Private - 1, G.G. - 4





#94-8 - Souva, Filomena



-----X
In the Matter of the Application of

IAN SOUSA,

DECISION GRANTING
AREA VARIANCE#94-8.
-----X

WHEREAS, IAN SOUSA, residing at 456 Philo Street, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 54 ft. rear yard variance for an existing deck and a 2 ft. side yard and 6 ft. rear yard for existing shed located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 27th day of June, 1994, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of himself; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, there were no spectators to speak and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is located in a residential neighborhood.

(b) The variances requested are for a shed and deck which are presently existing.

(c) The deck variance request is for 12.5%. The shed variance request is 13.3% for the side yard and 15% for the rear yard.

(d) This property is located on a corner lot, fronting on two streets.

(e) Decks and sheds similar to the applicants are located throughout the neighborhood.

(f) It would not be economically feasible to change the deck or shed since it would require dismantling and removing same and reconstructing same.

(g) Even if the deck and shed were removed and

reconstructed, it appears that variances would still be required because of the location and configuration of the property and those of neighboring properties.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure. The deck and shed are presently located in appropriate places on the property considering the configuration of that property and the location and configuration of neighboring properties.

3. The requested variances are not substantial in relation to the town regulations.

4. There will be no adverse impact to the neighborhood. The conditions exist now and there appear to be no problems or complaints with same.

5. The difficulty the applicant faces in conforming to the bulk regulations is a self-created hardship because the applicant constructed the improvements but the variances requested are nevertheless warranted because of the configuration of the property and its location in the neighborhood.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

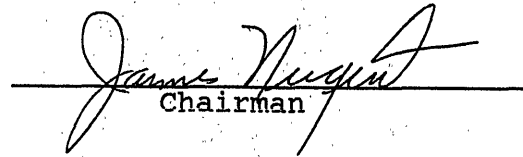
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 5 ft. rear yard variance for existing deck and 2 ft. side yard and 6 ft. rear yard for existing shed located at the above residence in an R-4 zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals

of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 24, 1994.


Chairman

(ZBA DISK#12-092994.fs)

SOUSA, FILOMENA

MR. NUGENT: Request for 5 ft. rear yard for existing deck and 2 ft. side yard and 6 ft. rear yard for existing shed at 456 Philo Street in R-4 zone.

Mr. Sousa appeared before the board for this proposal.

MR. SOUSA: I think those numbers were adjusted the last time my wife spoke to you.

MR. NUGENT: We adjusted them this evening.

MR. BABCOCK: If they were changed from the original, I don't know that that is why tonight we changed them back, I think.

MR. NUGENT: Well, you were giving us the change, I thought that is what we were doing.

MR. BABCOCK: Maybe, I don't know.

MR. KRIEGER: Let's figure out what it is here.

MR. SOUSA: Basically at the last Preliminary Hearing, I heard you say it's better to err on this side so I, we measured and asked for another foot. So I am just trying to be cautious as far as the situation.

MR. HOGAN: So the numbers on the--

MR. BABCOCK: So the numbers on the agenda today could stay just that, I have to change the denials.

MS. BARNHART: When Filomena was in, she went over, probably saw Frank and then got these new numbers cause that is the numbers I got.

MR. TORLEY: But you're giving yourself, you're asking 4 foot plus or minus, you call it 5 feet.

MR. SOUSA: That was the thinking I heard you emphasize the last time I was here so.

MR. KRIEGER: Well, yeah but perhaps not made clear the

explanation is that it's not intended as a blank check to write in any numbers that you think you might want. If there's a doubt or discrepancy in the measurement, then you take the measurements indicating the greatest need but if there's no discrepancy, there's no place to go with that. Is there any reason for you to believe that the numbers were inaccurate in the original denial? You said you remeasured, did you come up with any different measurements?

MR. SOUSA: Well, I basically came up with the measurement I'm presenting tonight so that is why I changed it, my wife and I discussed it, I measured it a couple additional times and these are the numbers I feel comfortable with.

MR. KRIEGER: Being 5, 2 and 6?

MR. SOUSA: Correct.

MR. KRIEGER: That is as a result of remeasuring, okay.

MR. SOUSA: A number of times. You have some pictures of the structures in question?

MR. NUGENT: Yes, we do.

MR. SOUSA: I brought another set, both of the structures are attractive structures, the shed has been there since 1983. The deck is a replacement deck of the original deck built with the house and that has been there for about 5 years. As you can see in the pictures, there is a solid tree line in the rear of the property pretty much obliterating the property behind us from our property.

MR. HOGAN: You're also a corner lot?

MR. SOUSA: I'm also a corner lot, one of the shots is shot out to the street, you can see pretty much the same.

MR. TORLEY: As we discussed, even you if you move the deck, you would still be, move the shed, you'd still be needing the variances for the deck?

MR. SOUSA: Correct, you know, just to give you a sense of the neighborhood, the house next door for instance had a replacement deck put on and I think they were in front of the board for a variance for insufficient rear yard also.

MR. TORLEY: Most everybody in the neighborhood is.

MR. HOGAN: Especially with a corner lot.

MR. SOUSA: The other comment I wanted to make about the shed when I positioned the shed, the reasoning was by positioning it in the corner, I was as far away from structures, I just thought that it was the most neutral position to place a shed on the lot and I've had no complaints over the years about the shed or the deck.

MR. NUGENT: Evidently, from the audience, not too many complaints.

MR. SOUSA: I don't know if it's better to be last or first in this process.

MS. BARNHART: Last.

MR. SOUSA: One of the few times my name Sousa pays off, having a name that starts with an S. Any other questions I can answer?

MR. NUGENT: I'll accept a motion.

MR. HOGAN: Make a motion that we grant the variances requested to Filomena Sousa.

MR. KANE: Second the motion.

ROLL CALL

MR. KANE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: There was no one here for all three public

Prelim: 4/25/94
~~Page 1~~
~~Page 2~~

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR 94-8
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: MARCH 15, 1994

APPLICANT: FILOMENA SOUSA /
456 PHILO STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: MARCH 15, 1994
FOR (BUILDING PERMIT): EXISTING 8FT. X 10FT. WOOD (SHED)
LOCATED AT: 456 PHILO STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 4, LOT: 7
ONE FAMILY

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. INSUFFICIENT SET-BACK DEMENSIONS

Mark Lisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 1-B	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD 10FT.	8 FT 9 FT.	2 FT 1 FT.
REQ'D TOTAL SIDE YD		
REQ'D REAR YD. 10FT.	4 FT 5 FT.	6 FT 5 FT.

REVISED
6-27-94

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW, UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS; IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).

FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.

INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.

WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN, INSULATION.

PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.

DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.

\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.

PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.

1. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.

2. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.

3. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.

4. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.

5. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises Filomena Sosa

Address 456 PHILLO ST NW Phone 565-6516

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer: _____

(Name and title of corporate officer)

1. On what street is property located? On the East side of PHILLO ST

WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
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Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer: _____

(Name and title of corporate officer): _____

1. On what street is property located? On the East side of PHILLO ST

(N.S.E. or W.)

and 0 feet from the intersection of NINA + PHILLO ST

2. Zone or use district in which premises are situated Residential Is property a flood zone? Yes No

3. Tax Map description of property: Section 13 Block 4 Lot 7

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____

Removal _____ Demolition _____ Other Shed EXISTING EX10 WOOD

6. Size of lot: Front Rear Depth 100 Front Yard Ab: 78 Rear Yard 52 Side Yard 41.31

Is this a corner lot? _____

7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____

8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____

Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____

If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$ 200.00 Fee _____ (to be paid on this application)

11. School District Nauburngh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in
connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before
the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....

Approved.....19.....

Disapproved s/c.....

Permit No.

Office Of Building Inspector

Michael L. Babcock

Town Hall, 555 Union Avenue

New Windsor, New York 12550

Telephone 565-8807

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

Refer -

Planning Board.....

Highway.....

Sewer.....

Water.....

(Zoning Board of Appeals).....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
(Zoning Board of Appeals).....

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Pursuant to New York State Building Code and Town Ordinances

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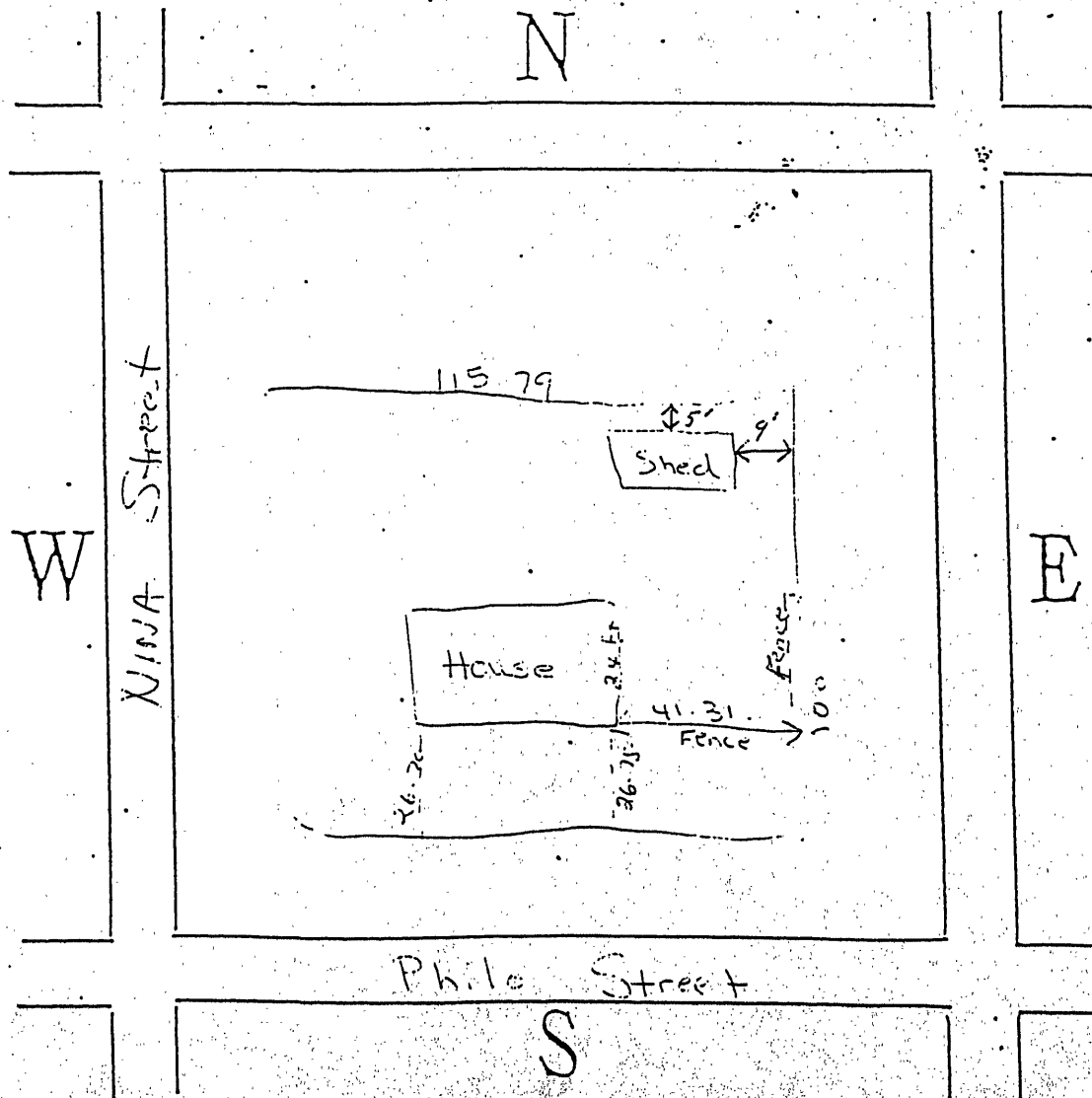
L. McKenna
(Signature of Applicant)

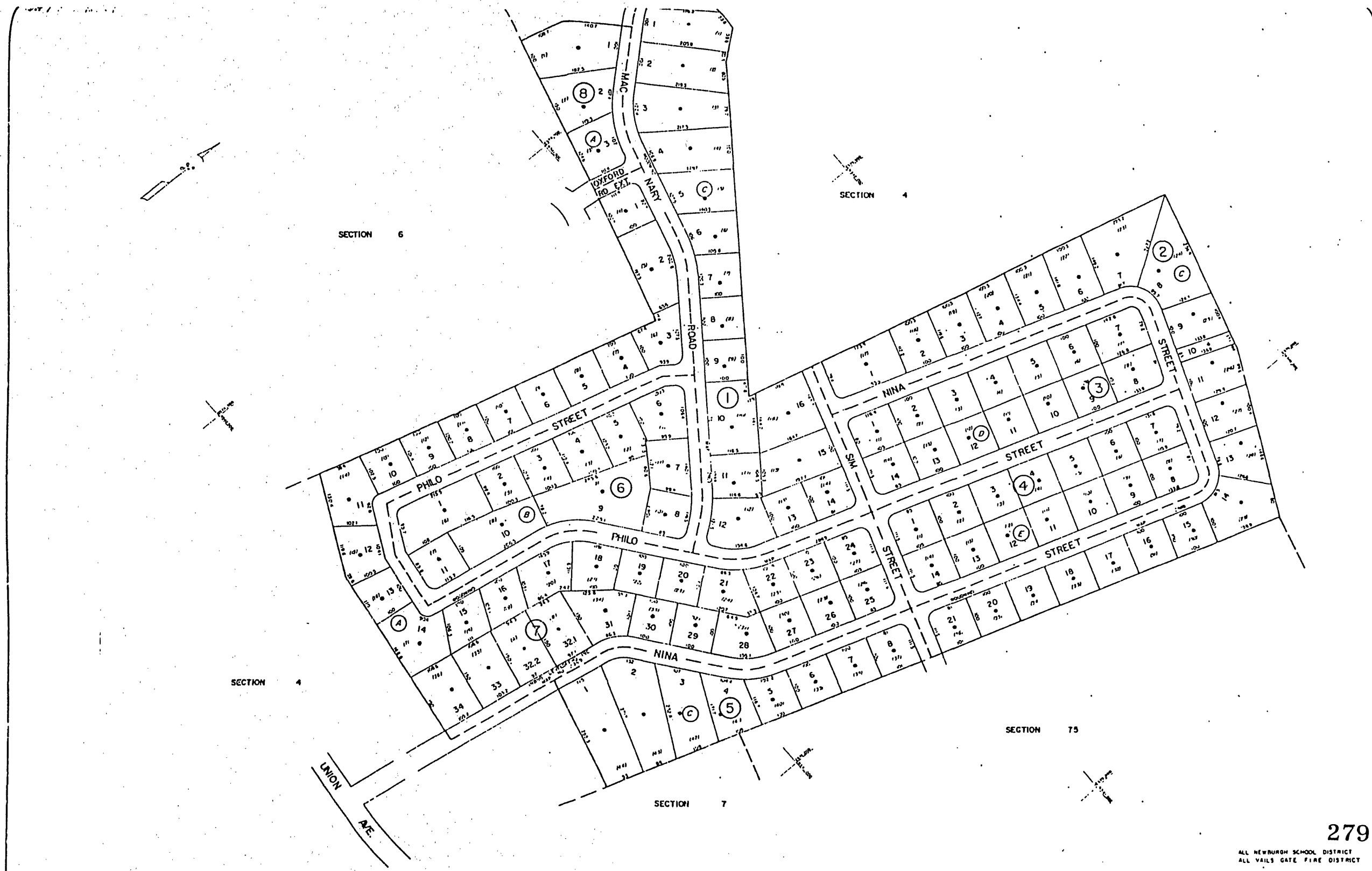
456 Phila. St. New Windsor
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.





Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10 24
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	SETBACK LINE	TAX MAP PARCEL NO.	FILED PLAN PARCEL NO.
BLOCK & SECTION LINE	WATER LINE	ADJACENT LOT	STATE HIGHWAY
SPECIAL EASEMENT LINE	STREAM	DIMENSIONS	COUNTY HIGHWAY
PROPERTY LINE			LOCAL ROAD

ORANGE COUNTY~NEW YORK
Photo No. 8-539,541 Date of Map 10-24-72
Date of Photo 3-1-65 Date of Revision 3-1-91
Scale 1" = 100'

TOWN OF NEW WINDSOR
Section No. 73

279
ALL NEWBURGH SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

April 25, 1994

2

PRELIMINARY MEETING:

SOUSA, FILOMENA

MR. TORLEY: Request for 1 ft. side yard and 5 ft. rear yard variance for an existing shed and 4 ft. rear yard for an existing deck at 456 Philo Street in an R-4 zone.

Mr. Sousa appeared before the board for this variance request.

MR. SOUSA: Bascially, these improvements were put on about five years ago and I'm trying to get C.O.s for these things. Actually, there's 4 in total and these 2 need a variance. At the time, I wasn't aware of the requirements.

MR. LANGANKE: Is the shed something you built yourself or is it commercial?

MR. SOUSA: No, it's something we built ourselves.

MR. TORLEY: Is there any way you can move the shed the one foot and five foot so you wouldn't need the variance?

MR. SOUSA: It's movable.

MR. LANGANKE: Is it very large?

MR. SOUSA: It's 10 by 12.

MR. TORLEY: You'd still be here in any case for the deck because you're not going to be able to move the deck.

MR. SOUSA: Correct. I'd like to try the variance approach. If that doesn't work, I'll move the shed.

MR. LANGANKE: Which way is Union Avenue here?

MR. SOUSA: Union Avenue is that way.

April 25, 1994

3

MR. BABCOCK: There should be a tax map there.

MR. TORLEY: This is a corner lot, that gives him part of the difficulty.

MR. HOGAN: Yes, corner lot.

MR. KRIEGER: How many sheds are there in the yard? Is there more than one?

MR. SOUSA: Just one.

MR. KRIEGER: How about your neighbors, do they have sheds and decks or both?

MR. SOUSA: They all have rear decks and most of them have one has a shed.

MR. TORLEY: They are probably going to find the same problem you have.

MR. SOUSA: Probably. I'm just trying to clean this all up.

MR. TORLEY: Any other questions, gentlemen? Would you like to make your spiel before or after the motion?

MR. KRIEGER: Afterwards. There's no sense in doing it if you are not going approve.

MR. TORLEY: I'll accept a motion to set up Mr. Sousa for a public hearing.

MR. HOGAN: So moved.

MR. LANGANKE: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KRIEGER: When you come back for a public hearing,

April 25, 1994

4

I would like you to address the 5 things specified in here in this sheet. Because those are the standards by which the Zoning Board under which the Zoning Board has to make a decision. The secretary has handed you an outline of the procedures necessary. When you are ready, you'll work directly with her.

MR. TORLEY: We would appreciate some photographs of this site. Don't make them fancy, just sort of an idea and can we see a copy of the deed or title policy if you have got it.

MR. SOUSA: I don't have it with me.

MR. KRIEGER: Then, not now.

MR. SOUSA: No problem, okay, thank you.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Ilomena Sousa,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#94-8.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On June 13, 1994, I compared the 70 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
13th day of June, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

70

May 2, 1994

Filomena & Ian Sousa
456 Philo St.
New Windsor, NY 12553

RE: 73-4-7

Dear Mr. & Mrs. Sousa:

According to our records, the attached list of property owners are within five hundred (500) Feet of the above referenced property.

The charge for this service is \$85.00 minus your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk's office.

Sincerely,

L. Cook (C)

Leslie Cook
Sole Assessor

LC/cd

Attachments

cc: Pat Bannhart

Rostek, Jan & Angelina
362 Nina Street
New Windsor, NY 12553

Organ, Thomas F. & Margaret M.
360 Nina Street
New Windsor, NY 12553

Probst, Carol & Jeremiah M. Whitaker
c/o Dept. Of Housing & Urban Dev.
Case #374-072653-203
Attn: Single Fam. Loan Mgt.
26 Federal Plaza
New York, NY 10278

Griffin, Thomas J. Jr. & Kathleen L.
356 Nina Street
New Windsor, NY 12553

Lepora, Carmine & Frances
354 Nina St.
New Windsor, NY 12553

Mullins, Robert F. & Margaret K.
131 Willow Ave.
Cornwall, NY 12518

App, Howard L. & Elsa
350 Nina St.
New Windsor, NY 12553

Mc Crossen, John C. & Kathryn
348 Nina St.
New Windsor, NY 12553

Union Ave. Developers Inc.
178 Grand Street
Newburgh, NY 12550

Macchiarella, Isidoro & Rosaria
346 Nina Street
New Windsor, NY 12553

Romero, Barbara L. & Joseph M. Wood
344 Nina St.
New Windsor, NY 12553

Stiller, James & Jeanne
342 Nina St.
New Windsor, NY 12553

Leham, Gail
340 Nina St.
New Windsor, NY 12553

Kostenblatt, Mary & William X
338 Nina St.
New Windsor, NY 12553

De Milt, Brendan F. & Susan D. X
336 Nina St.
New Windsor, NY 12553

Wallace, Marilyn X
334 Nina Street
New Windsor, NY 12553

Cohen, Elliott & Vicki X
332 Nina St.
New Windsor, NY 12553

Nicolosi, Francis A. & Geraldine X
330 Nina St.
New Windsor, NY 12553

Tepper, Samuel B. & Esther X
328 Nina St.
New Windsor, NY 12553

Bernstein, Myron & Phyllis F. ✓
355 Nina St.
New Windsor, NY 12553

Stadler, Jr. Edward A. & Kathy A. Noll X
353 Nina St.
New Windsor, NY 12553

Gordon, Robin S. X
351 Nina St.
New Windsor, NY 12553

Cabasin, Joseph J. & Dorothy C. X
349 Nina St.
New Windsor, NY 12553

Kaiser, Fred & Annette X
347 Nina St.
New Windsor, NY 12553

Murtagh, Patrick & Izzo Lisa X
345 Nina St.
New Windsor, NY 12553

Malaszuk, Peter & Irene X
343 Nina Street
New Windsor, NY 12553

Grimm, Joseph J. Jr. & Patricia A. X
Box 2866
Newburgh, NY 12550

Cestari, Alfred & Maureen
435 Philo St.
New Windsor, NY 12553

Como, Joseph & Elizabeth
433 Philo St.
New Windsor, NY 12553

Adams, Gary R.
431 Philo St.
New Windsor, NY 12553

Guarracino, John J. & Mary C.
429 Philo St.
New Windsor, NY 12553

Hersh, Bob & Rosemary
444 Philo St.
New Windsor, NY 12553

Finneran, Thomas & Kathleen
446 Philo St.
New Windsor, NY 12553

Sherman, Bertram P. & Beverly J.
448 Philo St.
New Windsor, NY 12553

Irizarry, Helga
450 Philo St.
New Windsor, NY 12553

Roberts, Dennis & Joan E.
452 Philo St.
New Windsor, NY 12553

Adler, Nina
454 Philo St.
New Windsor, NY 12553

Mc Keon, Donald S. & Diana
339 Nina St.
New Windsor, NY 12553

Walden, Joseph & Lisa
130 Meadow Ave.
Newburgh, NY 12550

D'Agostino, Robert & Xiomara
335 Nina St.
New Windsor, NY 12553

Enders, Villi P.
333 Nina St.
New Windsor, NY 12553

Breakiron, Richard C. & Bogardus, Anneke-Jans
331 Nina St.
New Windsor, NY 12553 X

Murphy, William S. Jr. & Brandee L.
329 Nina St.
New Windsor, NY 12553 X

Canale, John N. & Catherine A.
327 Nina St.
New Windsor, NY 12553 X

Lennon, James J. & Helene M.
375 Byron Lane
New Windsor, NY 12553 X

Filipkowski, Raymond R. & Elizabeth
373 Byron Lane
New Windsor, NY 12553 X

Pielli, Richard P. & Kim A.
354 Shelly Road
New Windsor, NY 12553 X

Slifstein, Arnold & Diane
94 Keats Dr.
New Windsor, NY 12553 X

Kelliher, Michael J. & Eileen T.
372 Byron Lane
New Windsor, NY 12553 X

Peppers, Ralph C. & Mary E.
88 Keats Drive
New Windsor, NY 12553 X

Wolfe, Gerald & Eva Maria
c/o Serpa Lenna
Sycamore Gardens
Apt. 39
Route 94
New Windsor, NY 12553 X

Schaefer, Warren L. & Marion Knox
95 Keats Drive
New Windsor, NY 12553 X

D'Esposito, Victor & Rose
93 Keats Drive
New Windsor, NY 12553 X

Eno, Ben & Irena
91 Keats Drive
New Windsor, NY 12553 X

Grieco, Stephen & Donna X
89 Keats Drive
New Windsor, NY 12553

Ioannidis, Konstantinos & Magarita
87 Keats Dr. X
New Windsor, NY 12553

Ramos, David & Migdalia X
85 Keats Dr.
New Windsor, NY 12553

Scheible, Otto
439 Little Britain Road X
New Windsor, NY 12553

Perrego, James A. & Mele A.
27 Steele Road X
New Windsor, NY 12553

Langanke, Herbert X
435 Little Britain Rd.
New Windsor, NY 12553

Geraci, Joseph P. & Myra Jean X
Steele Rd.
New Windsor, NY 12553

Cech, Anton, & Lucia X
Steele Rd.
New Windsor, NY 12553

Mac Nary, Lawrence F. X
58 Steele Rd.
New Windsor, NY 12553

Schaller, Patricia H. & Kurt A. & Stephen X
54 Steele Rd.
New Windsor, NY 12553

Dellafiora, Janet X
52 Steele Rd.
New Windsor, NY 12553

Laborer's Local 17 Training & Educational Trust Fund X
305B Little Britain Rd.
Newburgh, NY 12550

Steele, Lois X
P.O. Box 2181
Newburgh, NY 12550

Ciaffone, Michael X
c/o Algonquin Supply Corp.
153-155 South Plank Rd.
Newburgh, NY 12550

Vakintzis, Charles K. & Anna Maria
Steele Road
New Windsor, NY 12553

Samon, Eugene J. & Margo E.
Steele Road
New Windsor, NY 12553

Pls. publish immediately. Send bill to: Applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 8

Request of Filomena Sousa

for a VARIANCE of the Zoning Local Law to permit:

existing shed and deck w/ insufficient
side and rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk
Reqs - Cols. F & G.

for property situated as follows:

456 Philo Street, New Windsor, N.Y.

known as tax lot Section 73 Block 4 Lot 7.

SAID HEARING will take place on the 27th day of June,
1994, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent.
Chairman

By: Patricia G. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-8

Date: 6/7/94.

I. Applicant Information:

- (a) Ian & Filomena Sousa X
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R4 456 Philo St. 73-4-7 100' X 115'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? SAME
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 12/31/74
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? N/A
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: 8 X 10 ft. Wood Shed
INSUFFICIENT set-back side and rear
yd.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

NA
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

NA
(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F & G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10' shed</u>	<u>8' shed</u>	<u>Shed 2 ft</u>
Reqd. Rear Yd. <u>10' / 40 ft. Deck</u>	<u>4' / 36 ft. Deck</u>	<u>Deck 6 ft. 5 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

Shed is an attractive structure with landscaping.
It is positioned at the far corner of the
lot and is not obstructing anyone's views.
It is barely visible from the road.
It is also surrounded by trees.
 (see attachment)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) *N/A* Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) *N/A* What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Deck is a replacement of the original deck built with the house. It is an enhancement to the property's appearance. The neighboring homes on the street have decks. The home on the property in the rear is barely visible due to mature trees.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 30th day of December, nineteen hundred and seventy-eight
BETWEEN INBRO DEVELOPMENT CORP.,

a New York Corporation with offices and place of business at Union Avenue
 (no number) New Windsor, N. Y.,

party of the first part, and IAN J. SOUSA and FILOMENA M. SOUSA, husband and
 wife, as tenants by the entirety, residing at 154 Martling Avenue,
 Tarrytown, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the
 Town of New Windsor, County of Orange, State of New York,

being shown and designated as Lot #7, Block E, as shown on a certain map
 entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County,
 New York, dated February 1972, revised April 18, 1972 and filed in Orange
 County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

SUBJECT to covenants, restrictions and easements of record, if any.

This conveyance is made in the regular course of business as conducted
 by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
 roads adjoining the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances
 and all the estate and rights of the party of the first part in and to said premises: **TO HAVE AND TO**

LIBER 1997 PC 1090

LIBER 1997

party of the first part, and IAN J. SOUSA and FILOMENA M. SOUSA, husband and wife, as tenants by the entirety, residing at 154 Martling Avenue, Tarrytown, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York,

being shown and designated as Lot #7, Block E, as shown on a certain map entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County, New York, dated February 1972, revised April 18, 1972 and filed in Orange County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

SUBJECT to covenants, restrictions and easements of record, if any.

This conveyance is made in the regular course of business as conducted by the party of the first part.

~~TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads bounding the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.~~

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

INBRO DEVELOPMENT CORP.

BY: Israel Ingberman

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came

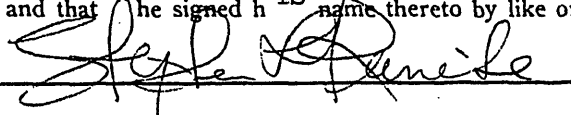
to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

SS:

On the 20th day of December 1974, before me
personally came Israel Ingberman
to me known, who, being by me duly sworn, did depose and
say that he resides at No. 2277 Homecrest Ave.,
Brooklyn, N. Y.
that he is the Secretary
of INBRO DEVELOPMENT CORP.

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.


STEPHEN L. REINEKE
Notary Public, State of New York
Qualified in Putnam County
Commission Expires March 30, 1975

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

INBRO DEVELOPMENT CORP.

TO

IAN J. SOUSA and FILOMENA M. SOUSA

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE
INSURANCE COMPANY**

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No. ;

that he knows

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

Ernest G. Allen
80 S. Bwy
TARRYTOWN

Zip No. 10591

PRICE

S.S.

day

9/27/90

STATE OF NEW YORK, COUNTY OF ORANGE

SS:

On the 30th day of December 1974, before me personally came Israel Ingberman to me known, who, being by me duly sworn, did depose and say that he resides at No. 2277 Homecrest Ave., Brooklyn, N. Y.

that he is the Secretary of INBRO DEVELOPMENT CORP.

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Stephen L. Reineke
STEPHEN L. REINEKE
Notary Public, State of New York
Qualified in Putnam County
Commission Expires March 30, 1975

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

INBRO DEVELOPMENT CORP.

TO

IAN J. SOUSA and FILOMENA M. SOUSA

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE
INSURANCE COMPANY**

STATE OF NEW YORK, COUNTY OF

SS:

On the _____ day of _____ 19____, before me personally came _____ the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. _____

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

ERNEST G. Allen
80 S. Bwy
TARRYTOWN
NY
Zip No. 10591

1320
41
dolo
Hill-n

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

ORANGE COUNTY
052814
REAL ESTATE
TRANSFER TAX
STATE OF NEW YORK
Dept. of Taxation DEC 31 '74
& Finance
PB 10951
13.20

LIBER 1997 PG 1091

Orange County Clerk's Office, S.S.

Recorded on the 31st day

of Dec 1974 at 1:09

o'clock P.M. in Liber 1997

at page 1090

and examined.

C. N. Winters